IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 19TH NOVEMBER 2007 / 28TH KARTHIKA 1929

RP.No. 175 of 2002(G)

AGAINST THE JUDGEMENT/ORDER IN OP.15189/1995 Dated 27/06/2001

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REVIEW PETITIONER:1ST PETITIONER:

K.G.SUBHADRA, THENARI, NELLEPPALLY POST,
PALGHAT DISTRICT.

BY ADV. SRI.SUBHASH CYRIAC

RESPONDENTS: RESPONDENTS:

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1. THE DISTRICT COLLECTOR, PALGHAT,

2. THE ASSISTANT EXCISE COMMISSIONER,
CIVIL LINES.

3. THE DEPUTY TAHSILDAR (R.R), CHITTUR.

BY G.P. SMT.SMITHA SUKUMARAN

THIS REVIEW PETITION HAVING COME UP FOR ORDERS ON 19/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

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R.P. No.175 of 2002 in
O.P. No.15189 of 1995

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Dated this the 19th day of November, 2007.

ORDER

Review Petition is filed on two grounds, first one is with regard to rate of interest. The observation in the judgment is that demand is at 8%. Review-Petitioner has pointed out that demand of interest in the counter affidavit and in the demand notice is only at 12%. Therefore, there will be direction to the respondents to treat the rate of interest mentioned in the judgment only as an observation and not a finding and to proceed to recover the actual rate of interest in accordance with the statute.

2. The second ground raised i.e. adjustment of amount paid under interim orders towards principal amount is not tenable. If statute authorises adjustment of interest first, payment made could be first adjusted towards interest and therefore, no modification is called for in the judgment. The R.P. is disposed of as above.

C.N.RAMACHANDRAN NAIR
Judge

pms